

KERR, BRIERLY & COMPANY.

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JANUARY 16, 1857.—Laid upon the table and ordered to be printed.

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Mr. DENVER, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the memorial of Kerr, Brierly & Company, respectfully report :*

The committee at the last session had the memorial under consideration, and reported as follows :

That the memorialists allege that they were the owners of a train, consisting of thirty-nine freight-wagons, about two hundred yoke of valuable oxen, one single wagon, horses and mules, goods and merchandise, amounting in value, as they allege, to over forty-one thousand dollars, which was on its way to Salt Lake, about the time that General Harney made battle on the Sioux Indians. On account of this attack on the Sioux, making them very hostile, they allege that they had to proceed along very carefully, and were prevented from affording their cattle an opportunity to range and feed, on which account many of them died on the way, forcing the memorialists to purchase others ; and finally they all died, with the exception of thirty head, on account of becoming poor during the winter. For the losses thus incurred the memorialists ask to be reimbursed by Congress. Though no evidence is adduced to verify these statements of the memorialists, the committee think that this omission is immaterial. Admitting the facts to be proven, the committee see no reason why the government should become the insurer of trains engaged in private enterprise against the hazards and losses incident to travel over the country upon which this train was passing, at a time when the Indians were in open war against the United States. The committee ask to be discharged from the further consideration of the memorial.

Such was the report of the committee at the last session. At this session proof is afforded conclusive as to the facts alleged ; and, whilst the committee deeply sympathize with the memorialists, they see no reason to depart from the principle laid down in the report above. They, therefore, ask to be discharged from the further consideration of the memorial.

